

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: JULIUS R. SMARGIASSI
AKA: JULIUS R SMARGIASSI, JR
KAREN M SMARGIASSI

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

CASE NO: 5-16-00910-RNO

vs.

JULIUS R. SMARGIASSI
AKA: JULIUS R SMARGIASSI, JR KAREN M
SMARGIASSI

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

COMES NOW, on December 3, 2020, Charles DeHart, III, Esquire, Standing Chapter 13 Trustee, through his attorney Agatha R. McHale, Esquire moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case in accordance with 11 U.S.C. Section 1307(c), due to material default by the debtor(s) with respect to the terms of the plan.

Notice of hearing and other instructions are included with this Motion.

WHEREFORE, your Trustee prays that this Honorable Court enter an Order dismissing the above-captioned case in accordance with 11 U.S.C. Section 1307(c).

Dated: December 3, 2020

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

ID: 47613

Attorney for Movant

Charles J. DeHart, III

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

Fax: (717) 566-8313

eMail: amchale@pamd13trustee.com

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NOTICE

NOTICE IS HEREBY GIVEN THAT Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a HEARING with the Court has been scheduled on this motion. Any matters not resolved shall be heard at the dismissal hearing.

January 6, 2021 at 09:30 AM
U.S. Bankruptcy Court
Max Rosenn U.S. Courthouse
197 S. Main Street
Wilkes Barre, PA

YOU ARE FURTHER NOTICED that you MUST attend the dismissal hearing unless one of the following takes place.

1. You have paid the following and have confirmed payment with Trustee DeHart's office.

AMOUNT DELINQUENT AS OF LAST MONTH: \$ 1176.00
AMOUNT DUE FOR THIS MONTH: \$588.00
TOTAL AMOUNT DUE BEFORE HEARING DATE: \$1764.00

NOTE:

ALL payments must be made by CERTIFIED CHECK, MONEY ORDER or through TFSBILLPAY.COM. NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED!

DO NOT send your payments REGISTERED, CERTIFIED, FEDERAL EXPRESS, UPS, or by any other special delivery service. Doing so will delay processing of your payment and **may result in dismissal of your case.**

If submitting payment by U.S. First Class Mail mail to:
CHARLES J. DEHART, III, PO BOX 7005, LANCASTER, PA 17604

If submitting payment using TFSBILLPAY.COM please allow 5 business days for payment to be applied.

2. You have entered into a valid stipulation with Trustee DeHart and that stipulation has been filed with

the Court, or

3. You have filed a voluntary conversion or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee DeHart.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL OF YOUR CASE.

Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097

Dated: December 3, 2020

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on December 3, 2020, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties.

Served Electronically

LISA M. DORAN, ESQUIRE
69 PUBLIC SQUARE SUITE 700
WILKES-BARRE, PA 18701-

UNITED STATES TRUSTEE
SUITE 1190
228 WALNUT STREET
HARRISBURG, PA 17101

Served by First Class Mail

JULIUS R. SMARGIASSI
KAREN M SMARGIASSI
115 BETTY STREET
EYNON, PA 18403-1223

I certify under penalty of perjury that the foregoing is true and correct.

Date: December 3, 2020

Liz Joyce
for Charles J. DeHart, III, Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
eMail: dehartstaff@pamd13trustee.com

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MOTION TO DISMISS

ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.